

# In the Supreme Court of the United States

OCTOBER TERM, 1985

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CHARLES A. BOWSHER, COMPTROLLER GENERAL  
OF THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

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UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

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THOMAS P. O'NEILL, JR., SPEAKER OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES, ET AL., APPELLANTS

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

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*ON APPEALS FROM THE  
UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA*

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MEMORANDUM FOR THE UNITED STATES

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CHARLES FRIED  
*Solicitor General*  
*Department of Justice*  
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No. 85-1377

CHARLES A. BOWSHER, COMPTROLLER GENERAL  
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No. 85-1378

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No. 85-1379

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MEMORANDUM FOR THE UNITED STATES

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Appellants contend that the district court erred in declaring that the automatic deficit reduction process established by the Balanced Budget and Emergency Deficit Control Act

of 1985, Pub. L. No. 99-177, is unconstitutional on the ground that it vests executive power in the Comptroller General, an officer removable by Congress under 31 U.S.C. 703(e). In our view, the district court's conclusion that the Act is unconstitutional in this respect is correct. Nonetheless, we believe that the question is substantial and that plenary review by this Court is warranted.

It is therefore respectfully submitted that probable jurisdiction should be noted.

CHARLES FRIED  
*Solicitor General*

FEBRUARY 1986

